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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,074

Applicant(s)

WOOKEY ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 10/11/2005.
2. Claims 2, 5, 9 and 12 were amended.
3. Claims 1-14 are pending in this office action.

Response to Amendment

4. The objection to the specification is withdrawn.
5. The rejections of Claims 2, 6, 9 and 12 under 35 U.S.C. §112, second paragraph, are withdrawn.
6. Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive. See Response to Arguments.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,687,735 by Logston et al. (Logston).

9. With respect to Claim 1, Logston teaches a method of delivering a message from a customer to a remote services system comprising:

assigning a message a unique identifier (Col. 22 lines 4-7 and lines 34-39; and Col. 24 lines 23-37);

transmitting the message and the unique identifier from the customer to the remote services system (Col. 23 lines 18-45 and Col. 24 lines 14-30);

saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer (Col. 23 lines 54-58 and Col. 24 lines 14-30);

acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received (Col. 22 lines 4-7 and lines 34-39 and Col. 24 lines 23-37);

discarding the copy of the message when receipt of the message is acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30); and,

retransmitting the message when the receipt of the message is not acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30).

10. With respect to Claim 2, Logston teaches all the limitations of Claim 1 and further teaches the remote services system includes an intermediate mid level manager farm having a plurality of intermediate mid level managers (Col. 14 lines 25-34 and lines 60-63); transmitting the message is via a first intermediate mid level manager of the plurality of mid level managers within the intermediate mid level manager farm; and retransmitting the message is via a different intermediate mid level manager of the

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plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 19 line 34 - Col. 20 line 6; particularly noting Col. 19 line 57 - Col. 20 line 2, and Col. 20 lines 41-57. The messaging protocol taught by Logston includes the functionality for dynamically moving distributed application portions during run-time.).

11. With respect to Claim 5, Logston teaches all the limitations of Claim 1 and further teaches the remote services system includes an applications mid level manager farm having a plurality of application mid level managers (Col. 14 lines 25-34 and Col. 7 line 64 - Col. 8 line 16); the transmitting the message is via a first applications mid level manager of the plurality of mid level managers within the intermediate mid level manager farm; and retransmitting the message is via a different applications mid level manager of the plurality of mild level managers within the applications mid level manager farm (Col. 23 lines 18-45 and Col. 24 lines 44-47. If communications with one application portion results in multiple NAKs, a new session will be open. Col. 18 lines 11-61 - if a timeout occurs for a current message to be processed, another DASP may be spawned to handle the processing.).

12. With respect to Claim 8, Logston teaches a system for delivering a message from a customer to a remote services system comprising:

means for assigning a message a unique identifier (Col. 22 lines 4-7 and lines 34-39; and Col. 24 lines 23-37);

means for transmitting the message and the unique identifier from the customer to the remote services system (Col. 23 lines 18-45 and Col. 24 lines 14-30);

means for saving a copy of the message with the customer until acknowledgement of receipt of the message is received by the customer (Col. 23 lines 54-58 and Col. 24 lines 14-30);

means for acknowledging receipt of the message from the remote services system to the customer using the unique identifier when the message is received (Col. 22 lines 4-7 and lines 34-39 and Col. 24 lines 23-37);

means for discarding the copy of the message when receipt of the message is acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30); and,

means for retransmitting the message when the receipt of the message is not acknowledged (Col. 23 lines 54-58 and Col. 24 lines 14-30).

13. With respect to Claim 9, Logston teaches all the limitations of Claim 8 and further teaches an intermediate mid level manager farm having a plurality of intermediate mid level managers (Col. 14 lines 25-34 and lines 60-63), wherein the transmitting the message is via a first intermediate mid level manager of the plurality of mid level managers within the intermediated mid level manger farm and the retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 19 line 34 - Col. 20 line 6; particularly noting Col. 19 line 57 - Col. 20 line 2, and Col. 20 lines 41-57. The messaging protocol taught by Logston includes the functionality for dynamically moving distributed application portions during run-time.).

14. With respect to Claim 12, Logston teaches all the limitations of Claim 8 and further teaches an applications mid level manager farm having a plurality of application

mid level managers (Col. 14 lines 25-34 and Col. 7 line 64 - Col. 8 line 16), wherein the transmitting the message is via a first applications mid level manager of the plurality of mid level managers within the intermediate mid level manger farm and retransmitting the message is via a different intermediate mid level manager of the plurality of intermediate mild level managers within the intermediate mid level manager farm (Col. 23 lines 18-45 and Col. 24 lines 44-47. If communications with one application portion results in multiple NAKs, a new session will be open. Col. 18 lines 11-61 - if a timeout occurs for a current message to be processed, another DASP may be spawned to handle the processing.).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 3, 4, 6, 7, 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logston in view of U.S. Patent 6,098,093 by Bayeh et al. (Bayeh).

17. With respect to Claim 3, Logston teaches all the limitations of Claim 2 and further teaches a session object is used at a intermediate mid level manager farm (Col. 23 lines 35-54).

18. Logston does not explicitly disclose the session objected is shared with the intermediate mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines

45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Logston and modify it as indicated by Bayeh such that the method further comprises the intermediate mid level manager farm uses a shared session object to share information within the intermediate mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

20. With respect to Claim 4, Logston in view of Bayeh teaches all the limitations of Claim 3 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

21. With respect to Claim 6, Logston teaches all the limitations of Claim 5 and further teaches a session object is used at an application mid level manager farm (Col. 23 lines 35-54).

22. Logston does not explicitly disclose the session objected is shared with the application mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5

lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Logston and modify it as indicated by Bayeh such that the method further comprises the application mid level manager farm uses a shared session object to share information within the application mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

24. With respect to Claim 7, Logston in view of Bayeh teaches all the limitations of Claim 6 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

25. With respect to Claim 10, Logston teaches all the limitations of Claim 9 and further teaches a session object is used at a intermediate mid level manager farm (Col. 23 lines 35-54).

26. Logston does not explicitly disclose the session objected is shared with the intermediate mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Logston and modify it as indicated by Bayeh such that the system further comprises the intermediate mid level manager farm uses a shared session object to share information within the intermediate mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

28. With respect to Claim 11, Logston in view of Bayeh teaches all the limitations of Claim 3 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

29. With respect to Claim 13, Logston teaches all the limitations of Claim 12 and further teaches a session object is used at an application mid level manager farm (Col. 23 lines 35-54).

30. Logston does not explicitly disclose the session objected is shared with the application mid level manager farm. Bayeh teaches a web server farm (Col. 8 lines 45-49) uses a shared session object to share information within the web server farm (Col. 5 lines 29-34 and Col. 10 line 64 - Col. 11 line 15). This allows for proper maintenance of session pools among of group of clustered web servers (Col. 4 line 51- Col. 5 line 4).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Logston and modify it as indicated by Bayeh such that the system further comprises the application mid level manager

farm uses a shared session object to share information within the application mid level manager farm. One would be motivated to have this, as there is need for proper maintenance of session pools among of group of clustered web servers (In Bayeh: Col. 4 line 51- Col. 5 line 8).

32. With respect to Claim 14, Logston in view of Bayeh teaches all the limitations of Claim 6 and further teaches the shared session object includes a local resource locator, the resource locator indicating from where the message originated and the unique identifier (In Logston: Col. 23 lines 35-54).

Response to Arguments

33. Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive.

34. Applicants argue on page 9 of the remarks - "*Logston does not even disclose or suggest a remote services system, much less delivering a message from a customer to a remote services system...as substantially required by claims 1 and 8.*"

- a. Examiner's response - Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In general, Applicants' remarks (pages 8-12) essential state applicants' overall interpretation of the Logston and Bayeh references and then conclusive statements are made as to

the deficiencies of these references. However, applicants provide no factual evidence or reasoning as to how the language of the claims are distinguished from the references, particularly the cited portions of the references relied upon in the rejections of the claims or any supposed errors made by the examiner (37 CFR 1.111 also states a reply should distinctly and specifically points out the supposed errors in the examiner's action). As such, applicants' arguments are not persuasive.

b. Furthermore, in regards to Logston not disclosing "a remote services system", it is clear that the system of Logston is related to remote services. Col. 1, lines 15-25, describes the relationship of client-server technology including multiple components "which are distributed across one or more devices of the network". Col. 6, lines 44-53, gives examples of services such as e-commerce and brokerage transactions.

c. The remaining limitations of which applicants have alleged Logston and Bayeh are deficient, are explicitly acknowledged through the grounds of rejection presented in this office action and in part the previous office action (07/25/2005).

Conclusion

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
December 12, 2005


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER